

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5065

MICHAEL C. SMART,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

ON MOTION

Appeal from the United States Court of Federal Claims in 07-CV-703,
Senior Judge Loren A. Smith

Before NEWMAN, RADER, and SCHALL, Circuit Judges.

PER CURIAM.

ORDER

Michael C. Smart moves for panel reconsideration and rehearing en banc of the court's order dismissing his appeal as untimely filed.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion for panel reconsideration is denied. The request for rehearing en banc will be circulated to the full court.

FOR THE COURT

DEC 02 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael C. Smart
William P. Rayel, Esq.

s20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

DEC 02 2009

JAN HORBALY
CLERK